instrument propounded contains the will of a competent testator executed in conformity to law, not what the will itself is nor how it is to be interpreted. Gardner on Wills, § 97. Thus the probate of a will in one State is not regarded in itself as evidence of title to lands situated in another State by the courts of the latter. *Darby* v. *Mayer* (1825) 10 Wheat. 465; *Robertson* v. *Pickrell* (1883) 109 U. S. 608. And though a will may first be proved without the State where the testator was domiciled, *Gordon's Case* (1892) 50 N. J. Eq. 397, yet the State of his domicil will recognize the will only so far as it relates to the property located in the State where the will was probated. *Walton* v. *Hill's Estate* (1894) 66 Vt. 455. It is stated that, viewed as a step in a proceeding in rem where the property only was within the jurisdiction of the court, the adjudication of a grant of letters will have no binding force respecting property outside that state. *Overby* v. *Gordon* (1900) 177 U. S. 214; *Bowen* v. *Johnson* (1858) 5 R. I. 112. Thus it would seem that the questions whether the validity of the actual words of a will executed in conformance with the laws of a certain State should not be determined by the laws of that state or whether the land should not give as conclusive jurisdiction to the court as domicile, are subordinated to the question of sovereignty over the testator's person. The decision of the California court is to be supported alone on this ground since in this particular case on the point of expediency, the argument was all in favor of proving the will in New Hampshire, where it was made and where the witnesses resided. The position of the principal case, however, probably represents the weight of authority in this country. *Bate* v. *Necisa* (1882) 59 Miss. 513; *Stark* v. *Parker* (1876) 56 N. H. 481; *Manuel* v. *Manuel* (1862) 13 Ohio St. 458; cf. *Matter of Cameron* (1900) 47 App. Div. 120, aff'd. 166 N. Y. 610.

GOVERNMENTAL CONTROL OF PARTY NOMINATIONS.—In a recent Kentucky case the plaintiff was a candidate for the Republican nomination as sheriff, and, according to the canvass of the votes made by the party county committee, was defeated. He applied to the court for relief, alleging facts which clearly showed that he had received a majority of the legal votes cast at the primary. A demurrer to the jurisdiction of the court was sustained on the ground that such a contest lies wholly within the province of the governing authority of the party which by statute was given jurisdiction of such contests. *Whitaker* v. *Swanner* (Ky. 1905) 89 S. W. 184.

Prior to 1866 political parties were regarded as purely voluntary associations and their nominating methods were not subjected to the control of either the legislative or the judicial branches of the government. Meyer, Nominating Systems 84; Goodnow, Prin. Admin. Law of U. S. 243. In fact so far had their immunity from governmental control been extended that only twenty years ago the legislature of a State, before passing a statute regulating primaries, deemed it necessary to ask the supreme court the following question: "Is it constitutional to enact any law attempting to regulate the machinery of a political party in making nominations for office?" *In re House*

Bill No. 203 (1886) 9 Colo. 631. But the uncertainty which existed in that and other States as to the constitutionality of such legislation has been removed by the courts, *Ladd* v. *Holmes* (1901) 40 Oregon 167, 182; *Leonard* v. *Commonwealth* (1886) 112 Pa. St. 607, 622; *Kenneweg* v. *Alleghany County Com'rs.* (Md. 1905) 62 Atl. 249; and the opinion of Parker, Ch. J., in the case of *People ex rel. Coffey* v. *Dem. Gen. Committee* (1900) 164 N. Y. 335, is in striking contrast to the question propounded by the Colorado legislature fourteen years previous. A New York statute had made it compulsory upon each political party to have a county general committee and prescribed that the members of such committee should be elected by ballot at the polls. The constitutionality of the law was not questioned by counsel or court, and it was held that a member of such a county committee could not be removed by the committee itself even though it appeared that he had not supported one of the party candidates. This decision therefore recognizes the power in the legislature to prescribe the form of the organization of the political party as well as to deny to the party the right to remove its own officers except by a majority vote at the next primary. See, however, *Spier* v. *Baker* (1898) 120 Cal. 370.

The attitude of the courts toward contests growing out of primary legislation is dependent in some measure on the provisions of the statutes. Thus, where the law prescribes the method of conducting the primary or deciding the contest, the courts will see that the statute is followed. *Mason* v. *Byrley* (Ky. 1904) 84 S. W. 767; *State* v. *Tooker* (1896) 18 Mont. 540. And if the statute creates a tribunal for the determination of primary contests, expressly making such determination final, the courts will not interfere, *State* v. *Foster* (1904) 111 La. Ann. 939; *Randall* v. *State* (1901) 64 Ohio St. 57; 5 COLUMBIA LAW REVIEW 52, nor will they interfere where, as in the principal case, such determination is not expressly made final. *State* v. *Houser* (1904) 122 Wis. 534; *Cain* v. *Page* (Ky. 1897) 42 S. W. 336. Where the primary law does not create a statutory tribunal for the determination of the regularity of party committees and disputes, some courts hold that if the governing authority of the party has passed upon such contest, the courts will follow the finding of such authority, *In re Fairchild* (1897) 151 N. Y. 359; *State* v. *Weston* (1902) 27 Mont. 185; *State* v. *Liudahl* (1902) 11 N. D. 320, while other courts interfere to the extent of holding that the names of the contesting candidates must be printed on the ballot in adjoining columns on the theory that where there is doubt, that rule should be adopted which will afford the citizen the greatest liberty in casting his ballot. *People* v. *District Court* (1892) 18 Colo. 26; *Stephenson* v. *Board* (1898) 118 Mich. 396; *Phelps* v. *Piper* (1896) 48 Neb. 724. It would seem that while a very extensive control of the nominating methods of political parties has been recognized as inherent in the legislature, *People* v. *Dem. Gen. Committee*, supra; Goodnow, supra, 253; but see *Britton* v. *Com'rs.* (1900) 129 Cal. 337, the courts themselves exhibit a tendency to exert a control over such matters only where the statute expressly directs it. *State* v. *Foster*, supra.